

HUMAN RIGHTS REPORT

The Kentucky Commission on Human Rights Quarterly Newsletter

WINTER 2002



Left behind – What now?

"We're late in the game, but early in the solution."

Darien Dash, presidential consultant on the digital divide

Some argue the line is drawn in front of minorities. Some say poverty is the problem. Still others believe education level is the common denominator.

Regardless of why it exists, experts agree on one thing – the U.S. suffers from a digital divide – a society of haves and have-nots in computer and Internet access and literacy.

The Kentucky Commission on Human Rights tackled the complex problem in this year's annual Town Forum held Nov. 10, 2001 at the Seelbach Hotel in Louisville.

"We are in the middle of a digital revolution," said Forum moderator Ed Holmes, Cincinnati Bell vice-president. "Poor people, rural populations and minorities are getting left behind."

According to the U.S. Dept. of Commerce 2000 Report, *Falling Through The Net*, "To be on the less fortunate side of the divide means less opportunity to take part in our information-based economy." It affects job opportunities, education, training, shopping and communications, the report states.

Key speaker and digital divide presidential consultant to the Clinton and Bush administrations, Darien Dash said solutions lie in pushing federal funding to close the divide.

Dash, 33, said he was raised in a Bronx, New York low-income family. He now owns the first publicly traded African American-

owned U.S. information company, DME Interactive Holdings Inc. in New Jersey. "I'm living proof that information technology skills can catapult someone to success," he said.

Federal funding should help place computers directly into the homes of left-out populations, he said. This includes minorities and people with low income, low education levels or disabilities.

"This is the key to eliminating

Digital Divide Facts

White, Asian American & Pacific Islander homes have Internet access at penetration levels more than double those of Black & Hispanic homes. 86.3% of households earning \$75,000 per year have Internet access, compared to 12.7% of households earning less than \$15,000.

From 2000 U.S. Dept. of Commerce study, *"Falling Through the Net"*

the digital divide, he said. "A high percentage of people won't go to libraries or community centers because they are embarrassed and intimidated, or because they think the Internet is something they don't need."

While state budgets are too small for the task, Dash said, funds are available through the U.S. Departments of Labor and



Darien Dash spoke at the free-to-the public KCHR Annual Town Forum.

Commerce. "Local leaders need to learn how to access these funds for their neighborhoods and communities," he said.

The community-level attack is the most efficient one, the forum panel agreed. Information consultants Dennis Reker, Brian Daly, Ed.D. and Kevin Fields, all of Kentucky, talked about existing programs in the region.

Community programs in Louisville, Lexington, Paducah and Hardin are funded by the state and private corporations. They provide information infrastructure to left-out populations by offering computer and Internet access, training and scholarships.

"Businesses, non-profit organizations and government must be key players in working together to solve this," Daly said.

"Our country had better help itself by making sure our future workforce has information skills," Dash said. "If we leave these people behind, we are all behind."



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Beverly Watts
Executive Director

From the desk of

Beverly Watts
Executive Director



“I Have A Dream” *Then and Now*

I am a beneficiary of the struggle, sacrifice and dream of Martin Luther King, Jr.

I am a Southerner. I knew segregation as a child, and I have seen society change in many ways since the Civil Rights Movement of the 60's.

Dr. King marched in this state in 1964. Through those efforts, he helped Kentucky build and develop the organization of which I am the executive director.

His dream was far-reaching. It began before his Montgomery, Alabama days with the hopes of a young man — those of reaching personal goals, marrying, defining himself and pursuing ways to support his family.

During the Montgomery bus boycott, he dreamt of breaking the apartheid Jim Crow system of blacks sitting at the back of the bus so that citizens of Montgomery would have dignity and would never suffer the way Rosa Parks suffered the day she refused to give up her seat.

Later, Dr. King's vision evolved into the legacy to which we hold fast and for which we still fight.

His dream is of the stuff embodied in the great anthem we've sung so often since September 11:

“My country 'tis of thee; Sweet land of liberty...From every mountainside, Let Freedom ring.”

King said of his dream, “It is found in those majestic words of

the Declaration of Independence, words lifted to cosmic proportions: ‘We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness.’”

Many of us dream this dream together. It is the dream of America. It calls us to freedom and equality for every person. It challenges us and presses us forward with a sense of urgency — to respect the dignity and the worth of all human personality.

Don't misunderstand Dr. King. He noted it did not mean that all men are created equally in terms of native endowment, in terms of intellectual capacity — it doesn't mean that, he said.

My mother told me, ‘Cream, the good stuff, rises to the top, but it is all still milk.’ What Dr. King meant is that all men are equal in terms of intrinsic worth.

Dr. King believed, “God somehow called America to do a special job for mankind and the world.”

As it was for him, it is up to each of us to rise to the top. We all can use our talents, service and abilities to make the vision more than a dream.

It is not the dreaming we need to emulate, but the actions of that great dreamer.

Events draw attention to civil rights in Ky.



Miss Kentucky Monica Hardin (center) congratulated Crystal Finley of Pleasure Ridge High School (left) and Katie Baughman of Assumption High School (right). Both were awarded the KCHR Martin Luther King, Jr. Youth Leadership award for outstanding contributions to human rights. Over 250 people attended the event at Catherine Spalding University in Louisville.

Miss Kentucky passes King legacy

Twenty-one year old Monica Hardin was a 2000 KCHR Martin Luther King, Jr. Youth Leadership Award winner.

On January 14, she appeared again at the annual celebration to "tell her story" and to congratulate 2002 winners Crystal Finley and Katie Baughman, both of Louisville.

This time, Ms. Hardin addressed the crowd as Miss Kentucky 2001.

Miss Kentucky, the

day's key speaker, said she was from a family on a small income, and worked as a janitor to support herself while attending the University of Kentucky.

"But I had a dream," she said. "And if I can do it, you can do it."

Courier-Journal columnist Betty Baye received the Executive Director Community Service Award for her outstanding coverage of minority issues.

Ky. poet prevailed over racism, governor says



"Despite all barriers, Ms. Smith became one of America's great poets," said Gov. Patton, key speaker at the unveiling ceremony. Above, students stood in line for the Governor's autograph on their free Effie Waller Smith posters.

Autumn Winds

*O Autumn winds...you sing of giant trees that cast
their leaves aside to grapple with the blast,
strong and exultant for the stormy fray...
Oh, like the tree, I too would cast aside the fading
leaves of pleasure and of pride,
and stand forth free to struggle and endure!*
Excerpt from the poem by Effie Waller Smith



Effie Waller Smith
1879 - 1960

Like the Kentucky governor, turn-of-the-century poet Effie Waller Smith was a native of Pike County, Ky. She lived during the height of oppression for both African Americans and women in the U.S.

Against all odds, she became arguably the first African American to publish in major magazines like *Harper's Monthly*, and the first to publish poetry books.

Ms. Smith was recently placed in the Gallery of Great Black Kentuckians, a public awareness poster series produced by KCHR since 1970.

Governor Paul Patton helped KCHR unveil the Gallery's 31st poster of Ms. Smith to a crowd of students, human rights supporters and government officials in the Frankfort, Ky. Capitol Rotunda.

The unveiling resulted in several stories in newspapers throughout Kentucky.

Find more Great Black Kentuckians by visiting us at www.state.ky.us/agencies2/kchr.

Partners Page

Lexington-Fayette Urban County Human Rights Commission

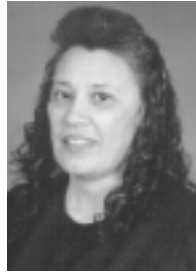
Officers Elected

The Lexington-Fayette Urban County Human Rights Commission elected 2002 officers at its meeting on Monday, Jan. 28. The 2002 Executive Committee: Samye Miller, Chair; Vice Chair, Carolyn Edwards; Secretary, Adela Figueras; and Paul Engel, Treasurer.

Two new commissioners were announced, Brian J. Berthiaume and Gloria B. Rie.

Fair Housing Events

The 8th Annual Fair Housing Luncheon is Monday, April 9 at the Hyatt Regency in Lexington, Ky. Andrew Plepler, senior vice president of the Fannie Mae Foundation Housing and Community Initiatives, will speak. There will be a workshop, "Do Not Borrow Trouble: Protecting Our Community from Predatory Lending Practices." Call Lexington-Fayette Community Coordinator



Kathy Riley for

Pictured left to right, top to bottom: Adela Figueras, Carolyn Edwards, Brian J. Berthiaume, Paul Engel, Gloria B. Rie and Samye Miller.

information at 859.252.4931 or F/TDD access at 859.252.7057.

Police Community Relations Award Program

This new program is an expression of the community's appreciation to police officers who have made outstanding contributions to the improvement of police community relations in Lexington-Fayette County. The public may nominate officers who are dedicated to community relations, demonstrate extraordinary efforts in crime prevention and are involved in aiding neighbors with special issues. Nominees must work in Fayette and can be a member of any law enforcement agency. Deadline is March 1, 2002. Nomination forms may be downloaded from the Commission web site: WWW.LFUCHRC.ORG. Contact Raymond Sexton at 859.252.4931 for information.

The Kentucky Commission on Human Rights Wants Your Story

This is the first edition of the *Human Rights Report Partners Page*.

The Kentucky Commission on Human Rights invites all Kentucky local commission partners to submit any important

updates, calendars, news or features you may wish to publicize to our mailing list of approximately 3,500.

Submissions will be considered on a first-come, first-serve basis. Written copy should not exceed 325 words.

Emailed photos must be in jpeg format.

Remaining 2002 submission deadlines are April 15, July 30 and Oct. 30.

We look forward to incorporating your news into our quarterly publication.

Call KCHR Information Officer Victoria Dempsey at 502.595.4024 for deadline and other information. Email stories to: victoria.dempsey@mail.state.ky.us.

Taxi Business Guilty of Discrimination



KCHR Attorney Morgan Ransdell processed the discrimination case that resulted in \$2,000 damages and taxi service for Beverly Calvert of Frankfort.

The Kentucky Commission on Human Rights (KCHR) has ordered a Radcliff taxi company to pay \$2,000 to a woman for unlawful discrimination.

The Commission entered a final order on Feb. 1, finding Freddy's Taxi Cab

Services Inc. guilty of discriminating against Beverly Calvert on the basis of her disability, which confines her to a wheelchair.

On May 11, 1999, owner Fred Robinson told the Radcliff woman that his drivers would no longer help her into taxi

vans. He refused to provide service to her because she required assistance getting in and out of cabs.

She told newspaper reporters that she had never experienced problems with Freddy's for the nearly five years she used the company prior to the incident.

After May 11, Calvert was forced to traverse city streets

in her wheelchair. "I have to get around somehow," she told the Elizabeth News Enterprise newspaper.

"I have to get around somehow."

Ms. Calvert on traversing city streets by wheelchair

The Commission also ordered Freddy's to make at least one of its vans accessible to Calvert in compliance with the law.

"This finding enforces the Kentucky Civil Rights Act," said KCHR Executive Director Beverly Watts. "It is against the law for businesses providing public services to deny equal access to people with disabilities."

KCHR approves 11 conciliations

The Kentucky Commission on Human Rights approved discrimination conciliation agreements totaling \$34,299 at its regular meetings on Thursday, Nov. 29, 2001 and Tuesday, Dec. 18, 2001 in Louisville.

Conciliation agreements are not admissions by any respondents of any violations of the law. Conciliations are reached through KCHR negotiations between the plaintiffs and respondents.

BOBO V. K-MART

Theodosia Bobo of Louisville alleged discrimination in race in a public accommodation.

Bobo claimed the K-Mart store located at 4915 Dixie Hwy. denied a full refund, and embarrassed and

humiliated her due to her race, African American.

K-mart denies the allegations. K-Mart agreed to compensate Bobo in the amount of \$500 and file reports with KCHR for three years.

DOEPEL V. UNITED GLOVE BLUEGRASS DIVISION, NEWTON, N.C.

Bonnie Doepel of Wallins Creek alleged discrimination based on age in employment.

Doepel claimed she was subjected to an

age-hostile environment by coworkers and was terminated on Oct. 15, 1998 because of her age (over 40).

United Glove of Gulston denies the allegations. The company agreed to compensate Doepel in the amount

(see next page)

of \$8,000.

The company stopped doing business in Kentucky in June 1999.

MANICA V. BLUEGRASS TRUCKING INC.

William Manica of Shelbyville alleged discrimination based on race in employment.

Manica claimed he was subjected to unequal terms and conditions of employment because of his race, African American.

Bluegrass Trucking of Shelbyville denies these allegations. Bluegrass Trucking agreed to compensate Manica in the amount of \$750 and file reports with KCHR for three years.

MURRY V. BLUEGRASS TRUCKING INC.

Tommy Murry of Minneapolis, Minn. alleged discrimination based on race in employment.

Murry claimed he was terminated due to his race, African American. Bluegrass Trucking of Shelbyville denies these allegations.

Bluegrass Trucking agreed to compensate Murry in the amount of \$500 and to release him from a \$1,259 debt he allegedly owed the company.

The company will file reports with KCHR for three years.

MILESKO V. TRILLIUM INDUSTRIES

Michael Milesko of Elizabethtown alleged discrimination based on retaliation in employment.

Milesko claimed he was discriminated against in a retaliatory termination after having assisted a coworker who was allegedly sexually harassed.

Trillium Industries of Louisville denies these

allegations. Trillium Industries agreed to compensate Milesko in the amount of \$500 and file reports with KCHR for three years.

STONE V. DAIRY QUEEN

Warren Stone of Eminence alleged discrimination based in disability in employment. Stone claimed he was discriminated against due to his disability when his working hours were reduced without a bona fide business reason.

Dairy Queen of Eminence denies these allegations. Dairy Queen agreed to compensate Stone in the amount of \$9,000 and offer him reinstatement and retraining. Dairy Queen agreed to post all policies and procedures, host a KCHR training event and file reports with KCHR for three years.

FOGLE V. PHYSIOTHERAPY ASSOCIATES

Laura Fogle of Bardstown alleged discrimination based on sex in employment. Fogle claimed she was discriminated against when she was not paid the same severance pay as a former male coworker due to sex, female.

Physiotherapy Associates of Shepherdsville denies these allegations.

The company agreed to compensate Fogle in the amount of \$300 and file reports with KCHR for three years.

(See next page)

Planting seeds for human rights



Trang Nguyen, KCHR's Glenda Green, Jacob Wheet, Eric Gallusser and Amber Parks had fun talking about dreams for the future and the work of human rights leaders. The students are from Iroquois Middle School. Several schools participated.

Jefferson County middle school students recently connected with KCHR volunteer mentors in small group conferences. The young people talked about career and education dreams, and brain-stormed about strategies to reach goals.

The mentors shared personal experiences, encouraging and helping the students plan. Students also asked about the work of KCHR and discussed

equal rights and diversity in school.

"It was exciting to listen to the dreams of these young people," said KCHR Field Representative Glenda Green. "You felt like you were planting a seed."

Other KCHR Middle School Connection mentors were Adriene Henderson, Anna Adams, Muthusami Kumaran and Olivia Strickland.

Several schools participated.

KCHR approves conciliations

(continued from previous page)

DOWDY V. BARNETT, CARRIAGE FUNERAL SERVICES OF KENTUCKY D/B/A FOX FUNERAL HOME

Commissioner Sue Dowdy of Louisville alleged discrimination in familial status in housing.

Dowdy claimed that Fox Funeral Home owner Dan Barnett, who also owns and manages apartments, placed rental advertisements stating, "no children." Barnett said that he was not aware that the advertisement was illegal. Once he became knowledgeable of the law through service of the complaint, the ad was removed. The ad ran 22 times.

Barnett has agreed to pay \$1,000 for the furtherance of fair housing; post and maintain the "Equal Housing Opportunity" poster; provide, promote and receive fair housing training; and, report the number of occupants in each apartment every six months for a period of three years to the Commission.

NOVAKOV V. OTTEN AND BAKER

Patricia Novakov of Florence alleged discrimination based on disability in housing.

Novakov claimed that the owners of Panorama Plus Apartments refused to provide her with a reserved accessible parking space. Otten and

Baker deny the allegation. They agreed to compensate Novakov in the amount of \$490 (one month's rent), provide her with a reserved accessible parking space, display the Equal Housing Opportunity poster and attend fair housing training.

BARTELS V. REALTY MANAGEMENT CORP. D/B/A LANE COMPANY

Karl Bartels of Jackson, Miss., alleged discrimination

KCHR enforces the Kentucky Civil Rights Act, which prohibits discrimination based on race, sex, religion, national origin, age (over 40), color, disability, familial status, retaliation in employment, housing, public accommodation, and financial services. Complaints that cannot be dismissed, settled or conciliated, go to administrative hearing, where Commission decisions have the authority of a court of law.

based on retaliation and sex in employment.

Bartels claimed that he was subjected to sexual harassment from his supervisor and then terminated in retaliation for reporting the supervisor's actions. The Lane Company located at 9800 Balsam Way, Jeffersontown, denies these allegations.

The company agreed to compensate Bartels in the amount of \$12,000 and file reports with KCHR for three years.

Chagoya v. IAMAW Local Lodge 681

Juan Chagoya of Eminence alleged discrimination based on retaliation and national origin in employment.

Chagoya claimed that he was subjected to segregation and heavier workloads based on his national origin, Hispanic; that he was terminated for reporting the conditions; and, received no assistance from his union when he reported the matter.

The union denies the allegations. IAMAW Local Lodge 681 agreed to provide Chagoya with reemployment assistance; make policy changes so that Spanish-speaking members will receive written materials in their language; implement a uniform translator policy in the event of disciplinary actions, and report to the Commission for three years.

In other business, the Commission dismissed 51 discrimination complaints with findings of no probable cause.



This audience member smiled as KCHR Executive Director Beverly Watts spoke at the NAACP 11th Martin Luther King, Jr. celebration in Paducah, Jan. 21.

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Inside this edition...



What do these experts want to do about the gap in computer access and Internet savvy? See the front page.

Left to right: KCHR Executive Director Beverly Watts, DME Interactive Holdings Inc. President Darien Dash, KCHR Chair Priscilla Johnson, Urban Technologies Inc. President Kevin Fields, Education Consultant Brian Daly, Ed.D., Information Consultant and former Intel Corp. Executive Dennis Reker and Cincinnati Bell Vice President Edward Holmes.